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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,172	12/28/2001	Paul Thomas Watson	BS01-326	4609

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2623	

MAIL DATE	DELIVERY MODE
09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,172	WATSON ET AL.	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 01/24/2007. Claims 1-6 and 18-20 are amended. Claims 7-17 are cancelled.

Response to Arguments

2. The applicant argues due to the amendments to the claims the previous rejections under 112, first paragraph are moot.

The examiner respectfully disagrees. The 112 rejection for Claim 6 is maintained. The examiner is not denying that a remote resource manager exists in the within the set top box (STB). The applicant's disclosure discloses that the STB performs these processes (Pages 12-13, paragraphs 0048-0049) and that the remote resource manager or processor performs the function (Page 3, paragraphs 0012, 0013). However, a separate processor from the remote resource manager or that a processor is coupled to the first and second ports, tuner and resource manager is not supported in the figures or the applicant's specification. There is no support for a separate processor (from the resource manager) executing the operating instruction to repartition the capacity of a disk drive in addition to a resource manager. There is a single processing element or remote resource manager.

3. Applicant's arguments with respect to claims 1-6 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 07/19/2007 have been fully considered but they are not persuasive.

Regarding Claims 1 and 18, the applicant argues that Levin, Gold and Feigen do not disclose a first port coupling a processor to a first communications network and to a database, the first port sending resource information describing at least two disk rives and a capacity of each drive (Page 6). The applicant also asserts that the prior art do not disclose that a firewall determining when a source is authorized to communicate with the STB.

Levin discloses a first port coupling a process to a first network and the first port. Levin discloses the processor controlling and processing resource information associated with the STB or playback device describing disk drive and other mass storage devices and a capacity of the disk drive (Figure 1, 112, Column 2, lines 37-41), the first port receiving an operating instruction to access an additional portion of a disk drive (Column 3, lines 1-25, 39-64, Figure 2, Figure 3); wherein the processor executes the operating instruction to repartition the capacity of the disk drive (Column 3, lines 1-6, 39-64). Levin disclose a second port coupling the processor to a second communications network or the processor is connected to the network supplying video information for recording, which is executed by the processor (Figure 1, 104, 113, Column 2, lines 18-31). Levin is silent on two disk drives. Gold discloses describing at

least two disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). Feigen discloses a set top box (STB) or remote unit, comprising: a first port (Figure 1, 14) coupled to the first communications network and a database or storage location (Column 7, lines 15-23). It is necessarily included that the STB includes a processor as the STB performs processes and sends resource information (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6, 26-43). It is inherent that a database is a storage location to store a large amount of data for convenient access to perform functions. Feigen disclose a local unit performing functions and database storing configuration information of numerous remote units (Column 3, lines 8-10, Column 7, lines 15-23) and the processor comparing the resource information to the configuration information, when the resource information differs from the configuration information, detecting unauthorized modification to the STB (Column 7, lines 13-43). Feigen discloses a method of initiating communications between a STB or remote unit (Figure 1, 14, Column 3, lines 18-20) and a service provider (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6); Feigen discloses the first port of the remote communication unit or STB sending resource information associated with the STB describing memory space and size (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6). Coss discloses a firewall and its functions. See new rejection.

Furthermore, the new KSR ruling includes rationale that if all the claimed elements that are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective

functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Rejections of dependent claims are maintained.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 6 (including 1):

The specification does not distinguish between a resource manager/processor and remote resource manager, however the current claim 6 comprises a remote resource manager.

The specification discloses the service provider receiving resource information for a remote resource manager operating in the STB (paragraph 0042-0043) and does not disclose the STB's processor receiving resource information for a remote resource manager operating in the STB and executing the operating instruction.

The applicant's disclosure discloses that the STB performs these processes (Pages 12-13, paragraphs 0048-0049) and that the remote resource manager or processor performs the function (Page 3, paragraphs 0012, 0013). There is no second processing element or remote resource manager.

Claims 18-20 disclose a second service provider. There is no second service provider. The applicant's specification discloses a service provider (Figure 1, 102), two ports (Figure 2, 218, 220) and the service provider connected via two communication networks to the STB (Figure 1, 104, 112).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al (US 6,654,546 and hereafter referred to as "Levin") in view of Gold (US 6,662,284), Feigen et al (US 6,925,566 and hereafter referred to as "Feigen") and Coss et al (US 6,170,012 and hereafter referred to as "Coss").

Regarding Claims 1 and 18, Levin discloses a set top box, and a method comprising: a first port coupling to a processor to a communication network (Figure 1,

113, 104, 115). Microsoft's Computer Dictionary (4th edition) defines port as an interface through which data is transferred between a computer and other device, a network or a direct connection to anther computer. Levin discloses the processor controlling and processing resource information associated with the STB or playback device describing disk drive and other mass storage devices and a capacity of the disk drive (Figure 1, 112, Column 2, lines 37-41), the first port receiving an operating instruction to access an additional portion of a disk drive (Column 3, lines 1-25, 39-64, Figure 2, Figure 3); wherein the processor executes the operating instruction to repartition the capacity of the disk drive (Column 3, lines 1-6, 39-64). Levin disclose a second port coupling the processor to a second communications network or the processor is connected to the network supplying video information for recording via the second service provider, which is executed by the processor or initiating communication between the STB and second service provider (Figure 1, 104, 113, Column 2, lines 18-31). Levin is silent on the first port coupling the processor to a database and sending resource information associated with the set top box describing at least two disk drives and capacity of storage and initiating communication between a STB and a service provider, the operation instruction that permits the processor to access an additional portion of at the at least two disk drives, a firewall determining when a source is authorized to communicate with the STB and determining when a communications protocol is authorized, the firewall thus protecting the STB from unauthorized access; the database storing configuration information for the STB; and the processor comparing the resource information to the

configuration information and when the resource information differs from the configuration information, detecting unauthorized modifications to the STB.

In analogous art, Gold discloses describing at least two disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). In analogous art, Feigen discloses a set top box (STB) or remote unit, comprising: a first port (Figure 1, 14) coupled to the first communications network and a database or storage location (Column 7, lines 15-23). Microsoft's Computer Dictionary (4^{th} edition) defines port as an interface through which data is transferred between a computer and other device, a network or a direct connection to another computer. It is necessarily included that the STB includes a processor as the STB performs processes and sends resource information (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6, 26-43). It is inherent that a database is a storage location to store a large amount of data for convenient access to perform functions. Feigen disclose a local unit performing functions and database storing configuration information of numerous remote units (Column 3, lines 8-10, Column 7, lines 15-23) and the processor comparing the resource information to the configuration information, when the resource information differs from the configuration information, detecting unauthorized modification to the STB (Column 7, lines 13-43). Feigen discloses a method of initiating communications between a STB or remote unit (Figure 1, 14, Column 3, lines 18-20) and a service provider (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6); Feigen discloses the first port of the remote communication unit or STB sending resource information associated with the STB describing memory

space and size (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6). Microsoft's Computer Dictionary (4th edition) defines memory a device where information can be stored and retrieved and in the most general sense memory can refer to disk drives. Coss discloses a user site connected to the Internet via a firewall processor (Figure 2, 211). Coss discloses that a firewall can be resident in a STB (Column 2, lines 54-57, Column 10, lines 20-24). Coss discloses that the user in communication with the Internet (Column 10, lines 25-27), which would include that the STB interfaces to the Internet or necessarily includes a port. It is necessarily included that the firewall resident in the STB to receive communications from the port. Coss discloses that the firewall is capable of filtering or analyzing information received from the Internet (Figure 4, Column 5, lines 36-50) determining when a source is authorized to communicate wit the STB, the firewall thus protecting the STB from unauthorized access (Column 6, lines 26-67, Column 7, lines 1-23).

Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Levin to include describing the number of disk drives (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19) as taught by Gold in order to verify that customers cannot increase disk configuration to help protect the customer from is configuration and to protect the manufacturer's pricing of storage (Column 1, lines 12-20) as disclosed by Gold. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the combination to include initiating communications between a STB or remote unit (Figure 1, 14, Column

3, lines 18-20); a first port (Figure 1, 14) coupled to the first communications network and a database or storage location (Column 7, lines 15-23) and a service provider (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6), database storing configuration information of numerous remote units (Column 3, lines 8-10, Column 7, lines 15-23 and the port of the remote communication unit or STB sending resource information associated with the STB describing memory space and size (Figure 2, Column 6, lines 53-67, Column 7, lines 1-6) as taught by Feigen in order to verify the integrity of remote units in a communication system (Column 1, lines 45-47) as disclosed by Feigen. Therefore, it would have been obvious at the time the invention was made to modify the combination to include a firewall determining when a communications protocol is authorized, the firewall thus protecting determining when a source is authorized to communicate wit the STB, the firewall thus protecting the STB from unauthorized access (Column 6, lines 26-67, Column 7, lines 1-23. Column 2, lines 54-57, Column 10, lines 20-24) as taught by Coss in order to facilitate parental control of Internet of video access in the home (Column 10, lines 25-27) as disclosed by Coss.

Regarding Claims 3 and 20, Levin, Gold, Feigen and Coss disclose all the limitations of Claims 1 and 18 respectively. Gold discloses describing the number of disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). Levin discloses the operating instruction causes the processor to increase the capacity of a disk drive (Column 3, lines 1-25, 39-64, Figure 2, Figure 3).

Regarding Claim 4, Levin, Gold and Feigen disclose all the limitations of Claim 1. Levin discloses receiving operating instruction (Column 3, lines 1-25, 39-64). Coss discloses that the firewall is capable of filtering or analyzing information received from the Internet (Figure 4, Column 5, lines 36-50).

Regarding Claim 5, Levin, Gold, Feigen and Coss disclose all the limitations of Claim 4. Coss disclose the firewall is logically between the first port and other components associated with the STB (Figure 1, 111, 113, 114) as the firewall is resident in the STB to filter received communications (Column 2, lines 54-57, Column 10, lines 20-24, Column 5, lines 36-50).

8. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Gold, Feigen as applied to claim 1 above, and further in view of Bruynsteen et al (US 6,658,663 and hereafter referred to as "Bru").

Regarding Claims 2 and 19, Levin, Gold, Feigen and Coss disclose all the limitations of Claims 1 and 18 respectively. Gold discloses describing the number of disk drives or at least two disk drives and capacity of each disk drive (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10, 53-67, Column 7, lines 1-19). Levin, Gold, Feigen and Coss are silent on operating instruction causes the processor to limit the capacity of a disk drive. Bru discloses a set top box, and a method comprising: a port coupled to a processor (Figure 1, 116); the processor controlling and processing resource information associated with the STB or CE equipment describing the disk drive and its capacity (Figure 1, 106, 108, Column 1, line

8, Column 2, line 62, Column 3, lines 33-60), the port receiving an operating instruction (Column 4, lines 5-31); wherein the processor executes the operating instruction to repartition the capacity of a disk drive (Column 4, lines 5-44). Bru disclose that the apparatus with storage can include hard disk drive or sold state memory (Column 1, lines 7-10, Column 2, lines 54-65). Microsoft's Computer Dictionary (4th edition) defines port as an interface through which data is transferred between a computer and other device, a network or a direct connection to anther computer. Bru discloses the operating instruction causes the processor to limit the capacity of the disk drive (Column 4, lines 5-14). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the combination to include the operating instruction causes the processor to limit the capacity of the disk drive (Column 4, lines 5-14) as taught by Bru in order to provide the end user with the capability of upgrade the storage capacity for a fee, however to also prevent unauthorized tampering with the storage capacity (Column 3, lines 61-64, Column 4, lines 42-44) as disclosed by Bru so that there is no loss of revenue from unauthorized upgrades.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Gold and Feigen as applied to claim 1 above, and further in view of Nissimov et al (US 5,327,549 and hereafter referred to as "Nissimov").

Regarding Claim 6, Levin, Gold, Feigen and Coss disclose all the limitations of Claim 1. Gold discloses that license data or resource information is stored (Column 3, lines 64-67, Column 4, lines 1-3, Column 5, lines 10-25, 60-67, Column 6, lines 1-10,

53-67, Column 7, lines 1-19). Levin, Gold, Feigen and Coss are silent on the processor receiving the resource information from a remote resource manager operating in the STB. Nissimov discloses a remote resource manager or CPU with BIOS RAM storing resource information associated with the STB describing a number of disk drives and capacity of each disk drive (Column 4, lines 35-65), a processor or drive controller coupled to the resource manager, the processor executing the operating instruction to repartition the capacity of the disk drive (Column 4, lines 35-65, Column 5, lines 8-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include processor receiving the resource information from a remote resource manager operating in the STB (Column 4, lines 35-65, Column 5, lines 8-47) as taught by Nissimov in order to determine the configuration of the system (Column 1, lines 13-16, Column 4, lines 63-64) as disclosed by Nissimov.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
September 4, 2007

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